G. R. S. 59] GPB—15,000- 20-12-13

GENERAL AND REVENUE SECRETARIAT.

1902.
(P & J.)

P. 21

File No. 9-02

Serial Nos. 1—6.

Papers Filed.

Month of June 1903.

SUBJECT.

Discharge of T. Kinnali from the Lunatic Asylum Bangalore.

PREVIOUS REFERENCES.	LATER REFERENCES.
P & J 105-01	Enclosed. N. B. T. Kannamma Commutted

OFFICE OF THE DEWAN OF MYSORE,

(REVENUE AND GENERAL DEPARTMENTS).

~~SERIAL No.~~ P 19

(Full Office Note.)

Tippu 9-02

†Subject. ~~SERIAL No.~~ —

Criminal lunatic Irimmalee.

Letter No. D. 1152 dated 20th April 1903, from the Dt. Magistrate, Bangalore, submitting for orders under Sec: 471 of the Cr. Pro: Code, the records in the case of —.

*Note.

The accused Irimmalee was charged before the City Magistrate of Bangalore with the offence of having attempted to commit suicide by cutting her throat with a knife but having been found to be insane and incapable of making her defence, she was under the orders of Government confined in the lunatic Asylum (vide Govt Pro No. $\frac{12594-96}{J\,1035}$ dated 30th January 1902). Her husband subsequently petitioned the City Magistrate for her restoration as she was in proper senses. On a

Flag A

B

†1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

Reference made to the Medical Officer, the latter certified that she was capable of entering on her defence. Thereupon She was tried by the City Magistrate, Bangalore, who acquitted her on the ground that at the time of the commission of the offence, she was by reason of unsoundness of mind, incapable of knowing the nature of her act; and the D.C. Magistrate has submitted the records for the orders of Government under Sec: 471 of the Cr.P. Code.

Under this section the Govt may order her to be confined in a lunatic Asylum or may release her if the I. G. of Prisons or the Offl. Visitors certify that in their opinion the accused may be discharged without danger of doing injury to herself or to any other person (vide Sec: 474 of the Cr.P. Code).

Submitted for orders with the usual draft Commuting her to the Lunatic Asylum.

SW
28/4/03

29/4/03

The woman is now presumably dane, as otherwise the words 2/- have been sent to the City Magistrate Court to stand her trial [under S. 469 of the Cr. Pro. Code, the trial cannot proceed unless "the accused appears to be of sound mind at the time of inquiring a trial."] There seems therefore to be no object in needlessly sending the woman again to the Lunatic Asylum. S. 471 gives Govt discretion either to confine her, or to release her, as it thinks proper. The Senior Surgeon may be asked to furnish Govt with his opinion as to whether Thirumalee may be discharged without danger of her doing injury to herself or to any other person; and Govt can exercise its discretion suitably. A draft letter to effect is put up

29.4.03

Issue draft

3/5

4.5.03

4/5/03

The draft was issued and the Senior Surgeon replies that he considers the woman Tirumalee may be allowed to go to her village provided her husband is willing to receive her and take care of her

Submitted with a draft docket to Govt

asking him to ascertain and report whether the woman's husband is willing to take care of her.

14/5/03

SW
14-5-03

Sent to Seek with a draft

14/5/03

Recd back from Seek with draft approved.

If the draft had passed through me, I should have pointed out that the Asst Magte has already stated, in his letter of 20.4.03, that "Shemina the husband of the accd, petitioned the City Magte on 21 Feby 1903 praying for the restoration of his wife" etc etc. The enquiry in the first para of the draft is therefore unnecessary; and an order may be framed once for all directing the release of the woman, on the husband ~~or the subpoena of the Asst Magte~~ furnishing to the satisfaction of the Asst Magte by the husband of unnecessary, as he is now reported dead.

Results to Seek with a fresh draft for approval.

15/5/03

The release if made in this case shd be under S. 474; but the I.G. does not give an unqualified opinion: I doubt if we can act on the present opinion which adds a proviso. If under S.475, the inquiry in the former draft seems right.

21/5

The accused having been acquitted by the City Magte has been kept in

custody pending orders of Govt.; but she has not been "confined," and therefore neither S. 474 nor S. 475 (which deal with the disposal of persons "confined" by order of Govt.) is applicable in this case. The action to be taken is one under the last para of S. 471, which gives Govt the discretion to order either the confinement or the release of the acquitted person.

21/5/03

I do not understand this. The last Paragraph says that the person may be confined in a lunatic Asylum &c.; the release can be ordered only under Ss 474 or 475. Please ask the I.G. to report under S. 474 whether the woman may be released unconditionally.

21/5/03

Draft as suggested

21.5.03

Submitted with the draft

22/5/03

The Inspector-General who was written to as directed above, reports that as the said woman at times exhibits signs of insanity such as "talking to

* The term confinement under S. 466 is inaccurate, as the proceedings have been pending since her acquittal; her being now in custody is due to a special order of the District Magistrate

herself being ~~it~~ indifferent to surroundings
+ not answering questions &c " though she has never
been violent she can be discharged from ~~the~~
Asylum on condition ~~that~~ her husband or
anybody else is willing to take care of her
+ be responsible for her actions.

Subd for orders. Draft order of discharge
S.N on the above condition -
1/6/03.

~~Issue~~ 2-6-03 Draft subd
S.N
2/6/03

Issue
6/6

~~Recd 2/6/03~~

~~Through the~~
~~2nd~~

OFFICE OF THE
Regd. No 11370
24 APR 1903
1902

1

J 2360

From

The District Magistrate
Bangalore District

To

The Secy to the Govt
of Mysore
Rev: and Genl Depts.

Dated 20th April 1903
Despatched 23rd
Received

General No.
No. 1152

Enclosure No. One file of papers.

Submits for orders records connected with the acquittal by the City Magistrate of Bangalore of one Thirumale who attempted to commit suicide while she was of unsound mind.

Read
24.4.

Refer to put up.
24/5

MGCPB—50 reams—6-12-02.

2

D.No. 1152
Enclosure file of records.

Bangalore District
District Magistrate's Office
Camp: Closepet, 20th April 1903

From

H. H. Sparke Esquire
District Magistrate
Bangalore District

To

H. V. Nanjundayya Esquire
Secretary to the Government of Mysore
Revenue and General Depts

Sir,

In submitting herewith the record in Criminal Case No. 480 of 1901-02 on the file of the City Magistrate, Bangalore, received with his docket No. 381 dated 1st instant, I have the honor to state that the facts of the case briefly are as follows: —

(1) On the night of the 11th June 1901, Ramma, Thirumalu attempted to commit suicide by cutting her throat with a knife, when she was of unsound mind

ct

at Nelamangala. She was, therefore charged by the Police of Nelamangala Taluk for offence under Section 309 of the Indian Penal Code.

(ii) The accused was certified by the Medical Officer to be of unsound mind. She was, therefore, kept under proper care and treatment in the Lunatic Asylum, Bangalore as per Government Proceedings No. 12594-96/F 1035 dated 30th January 1902.

(iii) Thimma, the husband of the accused, petitioned the City Magistrate on 21st February 1903 praying for the restoration of his wife as she was then in her proper senses. On a reference made to the Medical Officer in the matter, he certified that the accused was capable of entering on her defence. Thereupon the trial of the accused commenced. Three witnesses for the Prosecution were examined. Accused was charged and the case closed with the examination of

3 Witnesses for the defence. The evidence of the Prosecution as well as the defence witnesses clearly proves that the accused was of unsound mind prior to the date of the commission of this offence. The accused has stated that she committed the offence and that she was not in her proper senses since she was confined. The Magistrate is of opinion that the accused committed the offence while of unsound mind. She was incapable of knowing the nature of her act. He, therefore, ordered the acquittal of the accused.

Under Section 471 of the Criminal Procedure Code, the accused is kept in safe custody in the Lunatic Asylum and the record submitted for orders.

I have the honour to be
Sir
Your most obedient servant

Lt Sparkes

District Magistrate
Bangalore District

5

To The Senior Surgeon
In charge of the Trincomalee Station
Bungalow

W/J 9-02 — 2 —

W/J 1738 Enc 1 a/a of memo
5/5/03

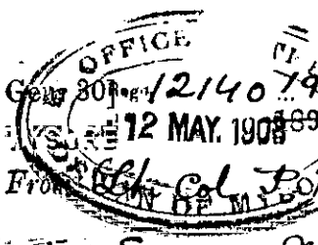
I am forwarding herewith a copy of the Bungalow Dr Master's letter D/No. 1152 of 20 April 1903, which encloses in original, x has the honor to enquire whether in the judgment of the Senior Surgeon, the woman Thirumalee may now be ~~discharged from the Hospital~~ at all liberty without danger of her doing injury to herself or to any other person.

Hm 3/5/3

29/4.03

x Not sending, returned

6



Genl 30 12140 1902-1903

6 2431

From Lt. Col. F.P.H. Benson, M.B. I.M.S
Senior Surgeon H.E.C. In. Ch
P & J: Lunatic asylum, Bangalore

9-52 — H. V. Nanjundaryabg M.A. B.L.

To

3. — The Secretary to the Govt. of Mysore,
General & Revenue Depts
Bangalore

Dated 9th
Despatched 11
Received

General No. 1674
No.

Enclosure N/ File

In reply to his No. J. 1738 dated 5th May 1903.

SUBJECT.

Reports that lunatic Thimale may be allowed to go to her village provided her husband is willing to receive and take care of her and returns the Enclosures received with the above

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References (to be entered only in the Dewan's Office).

Jnl
12.5

References put up.

14/5/03

No. 1674 Encl 1 File Lunatic Asylum

Bangalore, 9th May 1903.

From, Lieut: CC: P. N. Benson, M. B
I. M. S. Senior Surgeon & Sanitary
Commr & Ex. Officio Lunatic
Asylum, Bangalore.

To, N. V. Narayanayya Esquire
M. A; B. L.
Secretary to the Government of
His Highness the Maharaja
of Mysore, Gen: & Rev. Depts.

Sir,

In reply to your docket No. J
1738 dated 5th May 1903 I have the
honor to state that I consider the
woman Thimmakka may be allowed
to go to her village provided her
husband is willing to receive her
and take care of her.

The enclosures are herewith returned.

I have the honor to be,
Sir,
Your most obedient Servant
[illegible]
For Senior Surgeon & Sanitary
Commr & Ex. Officio Lunatic
Asylum, Bangalore.

To

P/J
9 02
4

The I. G. of Prisons in Mysore.

No. 1869 Jail Records.
J.7.97 of 02.03.
Date: 22/5/03

In forwarding herewith a copy of letter No. D. 1152 dated 20th April 1903 from the District Magistrate, Bangalore, I beg for orders of Govt. under Sec: 471 of the Criminal Procedure Code the accompanying records connected with the acquittal by the City Magistrate Bangalore of one Trinmalee on the ground that at the time of the commission of the offence with which she was charged she was by reason of unsoundness of

(to be kindly returned)

of mind incapable of knowing the nature of the act, has the honour to request that he will be so good as to submit a report under Sec. 474 of the Criminal Procedure Code, whether the said woman may be released unconditionally.

2. The Officer in charge of the Lunatic Asylum, who was consulted, reports that he considers that the woman may be allowed to go to her village provided her husband is willing to receive and take care of her.

By order

Secy to Govt 22/5/08

for Secretary

SM 22/5/08

10

1903.

FROM

The Inspr Genl of Prisons in Mysore.

OFFICE OF THE
Regd 12881.
30 MAY. 1903
REGISTRY.

P.J. 8
9-02
5

PII.

To 2525

The Secretary to Govt
Genl & Revy Deptt
Bangalore.

Dated 27th May 1903.

Despatched 28th

Received 30.5.03

General No. 481

No. J

Enclosure No. 1 Record.

With reference to his Docket No: 1869/J.F. 97 of 02-03 dt. 22nd May 1903, states that woman Timmallee may be discharged from the Asylum on condition that her husband or any body else is willing to take care of her & be responsible for her actions.

Jord
30.5.03

Cle & Dy Sec
1/6

References put up.

Sm
4/6/03

MGCPB—3-3-01—50 reams.

No. 481/J Genl: Records

Lunatic Asylum Bangalore 11

27th/28th May 1903.

From

Lt: Col: Percy H Benson Ins M.S.

Senior Surgeon & Santy Commr

and Inspector Genl of Prisons

Mysore Government

Bangalore.

To,

H. V. Ramjundayya Esquire Ins A. & L.

Secy: to the Govt: of His Highness

the Maharaja of Mysore

Genl & Rev: Departments.

Sir,

With reference to your docket

No. 1864/J.F.A.S. 97 & 02-03 dated 22nd May 1903

and its enclosures (the latter herewith

returned) I have the honor to state

that woman Thirumalee, at

times, exhibits signs of insanity

such as "talking to herself", "being

indifferent to surroundings and not

answering questions &c but has

never been violent and that she

can

12

Can therefore only be discharged from the Asylum on condition that her husband or anybody else is willing to take care of her and be responsible for her actions.

I have the honor to be

Sir

Your most Obdt: Servt:

[signature]

Lt: Colt: I.M.S.

Senior Surgeon & Sen: Commr and Inspector General of Prisons Bombay Government

Read :-

Letter D. No. 1152 dated 20th April 1903 from the District Magistrate, Bangalore, submitting for orders the records in Criminal Case No. 480 of 1901-02 on the file of the City Magistrate of Bangalore in which the accused Irimalee has been acquitted by the said Magistrate ~~on the ground that~~ of the offence of attempting to commit suicide on the ground that ~~at the time~~ the act was committed at a time when by reason of unsoundness of mind she was incapable of knowing the nature of her act.

2. Correspondence ending with letter No. 481/9 dated 27th May

May 1903 from the Inspector General of Prisons in Mysore reporting that as the woman Irinmalee exhibits signs of insanity such as "talking to herself", "being indifferent to surroundings + not answering questions" etc, though she has never been violent, she can be discharged from the Asylum on condition that her husband or anybody else is willing to take care of her and be responsible for her actions.

Order thereon. No. 1966-8 / F. 7. 97 of 03 9/6/03.

The Government are pleased to direct that the accused Irinmalee referred to above be discharged from the Lunatic Asylum, Bangalore where she is now reported to ~~live~~

be detained
~~has been kept~~, on the condition
that her husband or any of
her relatives execute before the
District Magistrate of Bangalore
a security bond to the satis
-faction of that Magistrate to
the effect that the woman
will be properly taken care
of and will be prevented from
doing injury to himself or to
any other person.

6/6/13

6/6/13

4 6.13

Secretary.

To
The I. G. of Prisons in Mysore
returning records
" Senior Surgeon to in charge
of the Lunatic Asylum, Bangalore
" Dt. Magistrate, Bangalore
returning the records

SM
2-6-13